

DOCKET NO.: FST-CV-19-5022501-S : SUPERIOR COURT  
ALLYN HOLMBERG : J.D. STAMFORD/NORWALK  
V. : AT STAMFORD  
PAUL SAITTA, LUZ BERG & :  
HERBERT KUNSTADT : FEBRUARY 28, 2020

**DEFENDANT HERBERT KUNSTADT'S  
ANSWER AND SPECIAL DEFENSE TO PLAINTIFF'S COMPLAINT**

**FIRST COUNT: Paul Saitta – Alleged Violation of Connecticut General Statutes § 22-357**

Because the allegations of the First Count of the Complaint are not directed to this defendant, no answer is necessary.

**SECOND COUNT: Paul Saitta – Alleged Negligence**

Because the allegations of the Second Count of the Complaint are not directed to this defendant, no answer is necessary.

**THIRD COUNT: Luz Berg – Alleged Violation of Connecticut General Statutes § 22-357**

Because the allegations of the Third Count of the Complaint are not directed to this defendant, no answer is necessary.

**FOURTH COUNT: Luz Berg – Alleged Negligence**

Because the allegations of the Fourth Count of the Complaint are not directed to this defendant, no answer is necessary.

**FIFTH COUNT: Herbert Kunststadt – Alleged Negligence**

1. The defendant is without sufficient knowledge to admit or deny the allegations of Paragraph 1 and, therefore, leaves the plaintiff to her proof.

2. The defendant is without sufficient knowledge to admit or deny the allegations of Paragraph 2 and, therefore, leaves the plaintiff to her proof.

3. The allegations of Paragraph 3 are admitted.

4. The allegations of Paragraph 4 are denied.

5. The allegations of Paragraph 5 are denied.

6. The defendant is without sufficient knowledge to admit or deny the allegations of Paragraph 6 and, therefore, leaves the plaintiff to her proof.

7. The allegations of Paragraph 7 are denied.

8. The allegations of Paragraph 8 are denied.

9. The allegations of Paragraph 9 are denied.

10. The allegations of Paragraph 10 are denied.

11. The allegations of Paragraph 11 are denied.

12. The allegations of Paragraph 12 are denied.

13. The defendant is without sufficient knowledge to admit or deny the allegations of Paragraph 13 and, therefore, leaves the plaintiff to her proof.

14. The defendant is without sufficient knowledge to admit or deny the allegations of Paragraph 14 and, therefore, leaves the plaintiff to her proof.

15. The defendant is without sufficient knowledge to admit or deny the allegations of Paragraph 15 and, therefore, leaves the plaintiff to her proof.

16. The allegations of Paragraph 16 are denied.

**HERBERT KUNSTADT'S FIRST SPECIAL DEFENSE TO THE FIFTH COUNT – COMPARATIVE NEGLIGENCE**

If the plaintiff was injured on the premises, such injury was caused by her own negligence, in one or more of the following ways:

- a. She failed to exercise reasonable care for her own safety under the circumstances and conditions that she knew or should have known existed at said time and place;
- b. She failed to make reasonable use of her faculties; and
- c. She failed to be watchful of her surroundings and the general conditions prevailing.

THE DEFENDANT,  
HERBERT KUNSTADT

By: Matthew G. Conway  
Matthew G. Conway  
Raymond M. Gauvreau

Conway Stoughton LLC  
641 Farmington Avenue  
Hartford, CT 06105  
P. 860-523-8000 / F. 860-523-8002  
Juris No. 421209

**CERTIFICATION**

I hereby certify that a copy of the above was or will immediately be mailed or delivered electronically or non-electronically on this 28<sup>th</sup> day of February, 2020 to all counsel and self-represented parties of records and that written consent for electronic delivery was received from all counsel and self-represented parties of record who were or will immediately be electronically served.

Jason P. Gladstone, Esq.  
Lampert, Toohey & Rucci, LLC  
46 Main Street  
New Canaan, CT 06840  
[jason@ltr-law.com](mailto:jason@ltr-law.com)

Paul Saitta, *Pro Se*  
44 Benedict Hill Road  
New Canaan, CT 06840  
[paulsaitta@optonline.net](mailto:paulsaitta@optonline.net)

Jill P. Hallihan, Esq.  
Musco & Iassogna  
555 Long Wharf Drive, 10<sup>th</sup> Floor  
New Haven, CT 06511  
[efiling@m-ilaw.com](mailto:efiling@m-ilaw.com)

Matthew G. Conway

Matthew G. Conway